

REMARKS

The application has been amended as needed so as to place it in condition for allowance at the time of the next Official Action.

Claims 5-8 were rejected under 35 USC §102(e) as being allegedly anticipated by HJORTH 6,626,882.

The Official Action states that the patented reference discloses an absorbent article comprising a liquid permeable topsheet (3), a liquid impermeable backsheet (2) and an absorbent body enclosed therebetween (4). The article has a front portion, a rear portion and a crotch portion therebetween, and a pair of belt portions comprising a first belt portion attached to one side of the rear portion (9), and a second belt portion attached to an opposite side of the rear portion (10). The first belt portion carries first fastening means (11), which in use, are attached against the outside of the second belt portion. The front portion exhibiting second fastening means (8) which in use are attached to the belt portions such that the article will assume a pant shape, where the belt portions form a part of the waist portions of the pant. Each belt portion is provided with at least one indicium placed at an appropriate distance from an attachment of each belt portion to the rear portion. Each indicium on the first belt portion has a corresponding indicium on the second belt portion, and each indicium on the first belt portion is allegedly symmetrically disposed in a longitudinal

direction of the belt portions with a corresponding indicium on the second belt portion.

The Official Action states that the patented reference does not explicitly state that in use, a center line of the article is located at the center of the wearer's back. It is concluded that it would have been obvious to one of ordinary skill in the art to place a center line of the patented article at a center of the wearer's back to ensure that the article provides the expected functions. The rationale for this conclusion is that if a center line of the article is not placed on a center of a wearer's back, then one would expect that the article may leak from the sides and allow undesirable soiling, and also cause discomfort to the wearer due to the unnatural positioning of the leg and waist elastics.

The Examiner kindly indicates that this rejection under 35 USC §102(e) might be overcome by an appropriate showing under 37 CFR 1.131.

Reconsideration of the above rejection is respectfully requested for the following reasons.

There is submitted herewith a 37 CFR 1.131 declaration from Ms. Lisbeth EGERÖD, a patent attorney at the Swedish law firm of Valea AB (formerly known as Göteborgs Patentbyrå Dahls AB). In her declaration, Ms. EGERÖD declares that prior to September 13, 2000 her firm received instructions from the current assignee: SCA Hygiene Products AB, to assess the

patentability of, and in the case of a positive assessment, to draft a new patent application for the subject matter described and claimed in the above-identified application. A copy of the instructions letter from SCA Hygiene Products AB, in Swedish, as well as an accurate English translation thereof, accompanies Ms. EGERÖD's declaration as Exhibit A. Ms. EGERÖD declares that each of the dates deleted from the accompanying Exhibit A is **prior to September 13, 2000**, which is the 35 USC §102(e) effective date of the HJORTH patented reference.

There is also submitted herewith a Declaration Under 37 CFR 1.131 from Mr. Roy HANSSON, the sole inventor of the invention described and claimed in the present application. Mr. HANSSON declares that prior to September 13, 2000, he had completed the invention described and claimed in the present application, in Sweden, which is a WTO country. Mr. HANSSON declares that prior to September 13, 2000, he:

- i) considered the problems involved in obtaining correct positioning of belt-type absorbent articles on a wearer;
- ii) realized that users and caregivers most commonly see such articles only from the front of the user;
- iii) provided a solution in which correct positioning of such articles on the back of the user can be guaranteed, when the article can only be seen from the front; and
- iv) described this solution with text and figures.

Moreover, Mr. Roy HANSSON further declares that prior to September 13, 2000 he:

i) registered the subject matter of the present patent application in the IDEUM database of SCA Hygiene Products AB, as internal Idea Number 1144;

ii) received assessment of the invention from IDEUM; and

iii) forwarded the invention to the Swedish law firm of Göteborgs Patentbyrå Dahls (now known as Valea AB) for patentability assessment and, in the case of a positive assessment, for drafting the patent application.

In support of these statements, Mr. Roy HANSSON's declaration is accompanied by:

Exhibit A, which is an extract from IDEUM database internal Idea Number 1144, both in Swedish, as well as an accurate English translation thereof;

Exhibit B, which is a receipt from IDEUM; and

Exhibit C, which is the instructions letter in Swedish, as well as an accurate English translation thereof from SCA Hygiene Products AB to Göteborgs Patentbyrå Dahls (the former name of Valea AB).

Mr. Roy HANSSON further declares that each of the dates deleted from the accompanying Exhibits A-C is **prior to September 13, 2000**, which is the 35 USC §102(e) effective date of the HJORTH patented reference.

In view of the accompanying Declarations Under 37 CFR 1.131, and the foregoing remarks, it is respectfully submitted that these declarations along with the accompanying Exhibits clearly establish a date of completion of the present invention in a WTO country prior to the September 13, 2000 effective date of the applied HJORTH reference. Accordingly, withdrawal of the outstanding rejection under 35 USC §102(e) is respectfully requested.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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BC/lrs

APPENDIX:

The Appendix includes the following items:

- Declaration Under 37 CFR 1.131 of Ms. Lisbeth EGERÖD
- Declaration Under 37 CFR 1.131 of Roy HANSSON